United Nations CEDAW/C/ARE/Q/2-3

Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Sixty-second session
26 October-20 November 2015
Item 4 of the provisional agenda*
Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues and questions in relation to the combined second and third periodic reports of the United Arab Emirates

Constitutional and legislative framework

1. Please provide detailed information on steps taken to ensure that, in practice, international standards take precedence over all internal sources of law, including religious laws. Please also indicate steps taken to fully incorporate into the Constitution or other appropriate national legislation the principle of equality between women and men as recommended by the Committee (see CEDAW/C/ARE/CO/1, para. 15) and in line with the recommendation made during the second cycle of the universal periodic review (see A/HRC/23/13, para. 128.85). Please indicate whether a comprehensive review of laws that discriminate against women and girls has been undertaken with a view to repealing them, in particular the discriminatory provisions of the Personal Status Law. Please provide information on the provisions of the draft child protection law relating to girls.

Reservations

2. Please provide updated information on the review, which is referred to in paragraph 17 of the combined second and third periodic reports (CEDAW/C/ARE/2-3),[1] relating to the withdrawing or narrowing down of reservations to the Convention. In view of the statement contained in paragraph 90, according to which Islamic sharia treats women without discrimination in all

* *CEDAW/C/62/1.*

[1] Unless otherwise indicated, paragraph numbers refer to the combined second and third periodic reports of the United Arab Emirates.

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respects, please explain why the State party maintains its reservations by indicating that certain provisions of the Convention conflict with the precepts of Islamic sharia.

Visibility of the Convention

3. Please provide information on measures taken to increase the visibility of the Convention, in particular the training provided to the Federal National Council and the judiciary, including religious courts, and the campaigns to raise awareness of the Convention among the population at large.

National machinery for the advancement of women

4. With reference to the recommendation made by the Committee (see CEDAW/C/ARE/CO/1, para. 19), and in view of the numerous institutions listed in the combined reports, please clarify which one is the national machinery responsible for coordinating the implementation of the Convention and explain the working relations between the various institutions. Please also indicate the sectoral units that are in place and their functions and resources. Please clarify to which complaint mechanism women can turn when their rights are violated. Please provide information on the main features of the National Strategy for the Advancement of Women in the United Arab Emirates for 2013-2017 and the results achieved to date through its implementation, in particular the outcome of any midterm assessment of the strategy, if one has been conducted.

Civil society organizations

5. Please provide further information on the follow-up given to the recommendation made by the Committee (see CEDAW/C/ARE/CO/1, para. 31) and indicate the measures taken to create and ensure an enabling environment, in which civil society and women's rights organizations can freely operate, and the legal requirements for the registration and operation of non-governmental organizations, including those relating to women's human rights. Please also indicate measures taken, including legislative measures, to ensure the diversity and independence of civil society organizations and freedom of expression for all sectors of society.

Human rights defenders and women activists

6. Please comment on information received to the effect that the 13 women acquitted during the trial of 94 persons belonging to the Reform and Social Guidance Association (al-Islah) and women relatives of those detained are subjected to various forms of abuse and harassment, such as a travel ban, administrative obstacles and refusal to register them for school exams. Please provide information on the case of Aisha Hussein al-Jabri, who was reportedly prevented from registering for an exam, and on any case of a woman prosecuted under the counter-terrorism law of August 2014.

Temporary special measures

7. Please provide information on the results achieved through the issuance of Cabinet Decision 319/15F/22, of 2012, promoting women's participation on the boards of directors of federal authorities, companies and institutions, which is referred to in paragraph 22 (a), and updated information on any temporary measures adopted since then to accelerate de facto equality between women and men in all

areas covered by the Convention. Please also indicate whether the State party intends to adopt measures to increase the representation of women in the Federal National Council, at the ministerial level and in high-level positions in the public and private sectors.

Stereotypes and harmful practices

8. Please provide information on measures taken to eliminate the stereotypes that underpin traditional patriarchal attitudes and reinforce the subordination of women in society. Please provide information on the efforts made, through awareness-raising and educational campaigns targeting religious and community leaders, parents and teachers, to counter stereotypical attitudes towards women and girls. More specifically, please provide information on awareness-raising measures taken to eliminate stereotyped attitudes towards women and girls who are victims of sexual abuse and the general tolerance shown to rapists and abusers within society. Although the minimum age of marriage is 18 years for both boys and girls, a high proportion of girls are reported to be married before that age. Please indicate the measures taken to enforce the minimum age of marriage and to raise awareness of the many negative consequences of the practice.

Violence against women

9. Please provide data on the number of cases of violence against women and girls during the reporting period, including the those of domestic violence, rape and other sexual violence that have been reported to the police, the number of prosecutions and convictions and the penalties imposed on perpetrators. Please indicate which comprehensive measures have been taken to address all forms of violence against women, as recommended by the Committee (see CEDAW/C/ARE/CO/1, para. 27), in particular the progress made towards the enactment of comprehensive legislation on violence against women. Please explain the reasons why the State party did not accept but only took note of the recommendation made during the second cycle of the universal periodic review (see A/HRC/23/13, para. 128.92) to introduce legislation to prohibit men from physically punishing their wives. Please also explain how the maintenance of article 53 of the Penal Code, which gives men the legal right to discipline their wives and children, can be seen as compatible with the State party's obligations under the Convention. Please explain how the State party intends to combat domestic sexual abuse if marital rape is not criminalized and if women can lose their right to maintenance if they refuse to have sexual relations with their husband. Please also comment on information according to which women and girls who are victims of sexual abuse have been punished under article 356 of the Penal Code for having had sexual relations outside of wedlock and in some instances sentenced to stoning or flogging. Please also elaborate on the information before the Committee that shows that, in several instances, foreign women who reported violence perpetrated by their husbands were discouraged by the police from reporting cases of violence and in some cases lost custody of their children when the case was brought to court.

Trafficking and exploitation of prostitution

10. Please provide information on the measures adopted for the effective implementation of Federal Law No. 51 on Combating Human Trafficking, of 2006, and whether the State party has developed a national strategy to combat trafficking,

as recommended by the Special Rapporteur on trafficking in persons, especially women and children, in 2013 (see A/HRC/23/48/Add.1, para. 81 (f)). Please indicate the number of inspectors specifically dealing with trafficking cases, the training that they have received to identify women and girls who are victims of trafficking, the number of trafficking cases involving women and girls that have been prosecuted and the sanctions imposed on the perpetrators. Please also indicate the measures taken to ensure that victims are never criminalized and those taken to follow up on the concern expressed by the Special Rapporteur about the daily deportation of trafficking victims.

Participation in political and public life

11. It is stated that women hold 17.5 per cent of the 40 seats of the Federal National Council (para. 15 (b)). Please indicate the number of women members of the Council who were elected and the number who were appointed. Please also explain why the number of women in the judiciary and of women university faculty members remains extremely low (para. 15 (c) and (h)) and indicate the measures taken or envisaged to remedy the situation, including temporary special measures.

Nationality

12. Please indicate the steps taken since the issuance of the royal directives of 2 December 2011 to bring the State party's legislation into line with article 9 of the Convention and to grant women equal rights with regard to acquisition, change and retention of nationality and its transmission, as previously recommended by the Committee (see CEDAW/C/ARE/CO/1, para. 33). Please also provide information on the number of *bidun* women and girls who have received citizenship since 2008, how many of them remain stateless and the measures taken to eliminate statelessness in the State party.

Education

13. Please elaborate on the information provided in the combined reports according to which women constitute 71.6 per cent of the students in government universities and 50.1 per cent of those in private universities by indicating the percentage of women in each field of study and measures taken to increase the number of women and girls enrolled in non-traditional fields of study. Please provide information on measures taken to provide women and girls with career guidance. Please also provide information on measures taken to ensure that children of migrant women have access to affordable high-quality education. Reference is made to the national curriculum for public and private education in the State party (para. 25 (d)), published by the Ministry of Education in January 2013. Please specify whether the Convention is part of the curriculum and, if that is the case, at which grade levels.

Employment

14. Please indicate how the State party ensures the effective implementation of women's right to work, as an inalienable right of all human beings, and to freely choose a profession and employment, as provided for in article 11 (c) of the Convention. In particular, please clarify whether article 72 of the Personal Status Law, which obliges women to obtain the authorization of their husband to work, has

been repealed. Please also comment on information received by the Committee according to which, in October 2011, a court in Dubai ruled that a woman had breached the law by working without her husband's permission. Please provide data on the percentage of women in the labour force disaggregated by field of activity in the public and private sectors and by occupation rate (full-time or part-time). Please provide information on measures taken to reduce the gap between the economic activity rate of men and women and the low number of women in management positions to date, as well as the outcome of those measures. Please indicate the follow-up given to the recommendation made by the Committee of Experts on the Application of Conventions and Recommendations of the International Labour Organization, in its direct request of 2011, pursuant to the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), to avoid stereotypical assumptions in training and employment with respect to women's aspirations, suitability and capacity for certain jobs.

Health

15. With reference to paragraph 65 (9), please provide data on the number of women and girls who underwent abortion on permitted grounds during the reporting period. Please comment on information according to which women who seek hospital treatment for miscarriage may be accused of attempted abortion. Please indicate steps taken to expand the permitted grounds of abortion to cases of rape, incest, threats to the health of the mother, or severe foetal impairment, as well as to remove punitive measures for women who undergo abortion. With reference to paragraph 64, please clarify the percentage of women domestic workers who participate in one of the health insurance systems and indicate whether the State party is considering replacing the provision of the draft law regulating the employment of support workers, which would require employers of domestic workers to provide them with health care and the necessary treatment in the event of illness, with a provision making access to health-care services a freely exercisable right for all women domestic workers.

Women migrant domestic workers

16. With reference to paragraph 26 (9), please provide updated information on the draft law on domestic workers that has reportedly been pending since 2012 and on the reform of the *kafalah* system, which continues to place women domestic workers in abusive conditions and to prevent them from changing employers. Given that it is indicated by the State party that women residing there possess all the rights and duties possessed by men (para. 24), please indicate whether that statement also applies to women domestic workers and, if that is the case, please explain why women domestic workers, unlike other migrant workers, continue to be excluded from the application of labour law and are therefore deprived of basic legal protection in the workplace.

17. According to information received, the standard contract for domestic workers, as updated in June 2014, states that the rights of domestic workers are null and void if the domestic workers leave work without the consent of their sponsor and that harbouring a migrant worker without a valid visa, including those who are fleeing abuse, is criminalized. Under those circumstances, please explain how women domestic workers can report abuse, including sexual abuse, by their employer, of which they are the victim. Please indicate the mechanisms in place for

domestic workers to lodge such a complaint and whether any shelter has been established for women domestic workers fleeing abusive employers. Please also indicate measures taken to effectively enforce the legal provisions prohibiting the confiscation of the passports of domestic workers. Please provide detailed information on the number of cases of arrest and prosecution, since 2012, for using forced labour, for being involved in trafficking for forced labour and for having mistreated a domestic worker, as well as information on the nature of the sanctions imposed in those cases.

Disadvantaged groups of women

18. Please provide information on women refugees and asylum seekers living in the State party. Please explain the delays in establishing legal standards and procedures to deal with refugees and asylum seekers and to ensure that all cases involving women and girls are dealt with in a gender-sensitive manner. Please indicate whether the State party has formalized an agreement with the Office of the United Nations High Commissioner for Refugees to deal with women refugees and asylum seekers.

Equality before the law and in civil matters

19. It is mentioned (para. 13) that the Government focuses its efforts on ending gender-based discrimination. Please explain why the State party rejected the recommendation made during the second cycle of the universal periodic review (see A/HRC/23/13, para. 128.87) to ensure equal status and rights for women in all matters. Please also explain how the maintenance of legal provisions, according to which a woman's testimony is worth half that of a man before a court, in criminal matters and in some civil matters, can be compatible with the aim of eliminating gender-based discrimination and ensuring equality before the law. Please clarify whether women have been guaranteed the same freedom of movement as have men and comment on information received according to which men in the State party can seize the passports of their wives and daughters and can request that the immigration authorities prohibit their departure from the State party.

Marriage and family relations

20. Please indicate the measures taken to repeal the provisions of the Personal Status Law which continue to discriminate against women, such as those relating to polygamy, divorce, custody of children and inheritance, and those which impose male guardianship on women. Please explain the rationale behind the maintenance of those provisions, in particular why the law authorizes a man to unilaterally divorce his wife, whereas a woman who wishes to divorce her husband must apply for a court order, which may be granted only on limited grounds. Please indicate the steps taken to bring the Personal Status Law into line with the Convention and other international legally binding instruments, taking into consideration the experience of countries with similar religious backgrounds and legal systems.

Optional Protocol and amendment to article 20 (1)

21. Please indicate any progress made towards accession to the Optional Protocol to the Convention and towards the acceptance of the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee.